

REMARKS

These remarks are in response to the Office Action dated May 22, 2008. Claims 1-8 were pending in the application at the time of examination.

In the Office Action, Claims 1-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by US 6,058,559 ("Yoshimi").

Claims 1 and 3-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by GB 2128075A ("Busalt").

Claims 1, 3-5 and 7 are rejected under 35 U.S.C. § 103(a) as being obvious over US 5,125,127 to Bach ("Bach").

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Busalt in view of DE 3834686C1 ("Barski").

The indication of claim 7 including allowable subject matter is withdrawn.

I. REJECTIONS UNDER 35 U.S.C. § 102

a. Rejection of Independent Claim 1

Independent claim 1 is rejected under 35 U.S.C. § 102(b) as anticipated by both Yoshimi and Busalt. The examiner asserts that both Yoshimi and Busalt anticipate each and every limitation of the rejected claim. Applicants respectfully traverse these rejections.

As amended, Claim 1 recites, in part, "a first releasable catch formation and a second releasable catch formation each configured to connect the wand to the main unit, wherein, when connected to the main unit, part of the wand lies at least partially within a recess provided in the main unit, the recess extending at least partially between the first releasable catch formation and the second releasable catch formation disposed upon the main unit." Amended Claim 1 is supported by the as-filed specification, which states, in part, that "[a] part-cylindrical recess 39 is provided in the underside 14 of the body 11 of the cleaner main unit, extending from the catch member 34 to and slightly beyond the castor assembly 15." See page 6, line 15-17.

Both Yoshimi and Busalt do not teach or disclose a suction cleaner with a wand that, when connected to the main unit, lies partially within a recess extending between a first releasable catch formation and a second releasable catch formation disposed upon the main unit. With respect to Yoshimi, the Examiner argues that Yoshimi discloses:

a releasable catch formation (1c, 1d, 4d and 10) configured to connect the wand to the main unit, wherein when connected to the main unit, part of the wand lies at least partially within a recess provided in the main unit (parts 4d and 10 are both considered to be part of wand, and are both positioned within respective recesses 1c and 1d, which are part of the main body), the recess extending at least between distinct portions of the catch formation disposed upon the main unit (as seen below, each of the recesses 1c and 1d is positioned between the side walls X and Y on the main unit that are considered to be distinct portions of the catch formation because they are necessary to form the recesses, which are parts of the catch formation).

Office Action dated May 22, 2008, pages 2-3. Applicants contend that Yoshimi's parts 4d and 10 are not part of the wand.¹ However, even if, *arguendo*, parts 4d and 10 are broadly construed as part of the wand, rather than separate members attached thereto (as seen in FIG. 2), they do not lie partially within a recess provided in the main unit that extends between Yoshimi's parts 1c and 1d. Rather, parts 4d and 10 respectively lie partially within individual "recesses" localized at 1c (between side walls X) and 1d (between side walls Y). Thus, Yoshimi neither teaches nor discloses a recess in the main unit that extends between a first releasable catch formation and a second releasable catch formation disposed upon the main unit, and that receives at least part of the wand when connected to the main unit.

Similarly, with respect to Busalt, the Examiner argues that Busalt discloses:

a releasable catch formation (shown in Figs. 2 and 3) configured to connect the wand to the main unit, wherein, when connected to the main unit, part of the wand lies at least partially within a recess provided in the main unit (a portion of the wand 4 is positioned within the recess within catch formation 8, which is part of the main body), the recess extending at least between distinct portions of the catch formation disposed upon the main unit (as seen below, the recess formed by catch 8 is positioned between side walls Z on the main unit that are distinct portions of the catch formation).

Office Action dated May 22, 2008, pages 6-7. Applicants likewise contend that Busalt's part 8 is not part of Busalt's main body. However, even if, *arguendo*, part 8 is broadly construed as part of the main body, rather than as a separate member attached thereto (as shown in FIG. 3),

¹ To the extent the Examiner considers parts 4d and 10 to be part of the wand 2 merely because they are attached thereto, the Examiner's logic is flawed. Under that interpretation, other parts of the suction cleaner would also be "considered to be part of the wand," such as the hose 6 and the body 1, both of which are attached to the wand 2. (see FIG. 1). However, the body 1 could not "be considered to be part of the wand" and also be "positioned within respective recesses [] which are part of the body."

Busalt's wand does not lie partially within a recess provided in the main unit that extends between parts 7 and 8. Rather the wand lies in a "recess" localized at part 8 (between side walls Z), and the "recess" is located outward of the housing base 6. Thus, Busalt neither teaches nor discloses a recess in the main unit that extends between a first releasable catch formation and a second releasable catch formation, and that receives at least part of the wand when connected to the main unit.

For at least the reasons set forth above, Applicants respectfully submit that Claim 1 is in condition for allowance.

b. Rejection of Dependent Claims 2-6

Dependent Claims 2 and 4-6 are rejected under 35 U.S.C. § 102(b) as anticipated by Yoshimi. As discussed above, Yoshimi fails to disclose all of the limitations of independent claim 1, let alone the limitations of Claims 2 and 4-6, which depend therefrom. For at least this reason, Applicants respectfully submit that claims 2 and 4-6 are allowable.

Dependent claims 3-5 are rejected under 35 U.S.C. § 102(b) as anticipated by Busalt. As discussed above, Busalt fails to disclose all of the limitations of independent Claim 1, let alone the limitations of Claims 3-5, which depend therefrom. For at least this reason, Applicants respectfully submit that Claims 2-6 are allowable.

II. Rejections under 35 U.S.C. § 103

a. Rejection of Claims 1, 3-5, and 7

Claims 1, 3-5, and 7 are rejected under 35 U.S.C. § 103(a) over Bach. The Examiner contends that Bach discloses each and every limitation of Claims 1, 3-5, and 7, except for a main unit that comprises a source of suction and a separator unit, which would have otherwise been obvious since inclusion of such components is well known in the art. Applicants respectfully disagree.

More specifically, the Examiner contends that Bach discloses:

a releasable catch formation (6-11) configured to connect the wand to the main unit, wherein, when connected to the main unit, part of the wand lies at least partially within a recess (two recesses are formed, a first in part 8 and the second formed by section 6) provided in the main unit (a portion of catch 7 that is considered to be part of the wand is positioned within the recess formed by portion 6, which is part of the main body and a portion of the wand 2 is positioned within the recess within catch formation 8, which is also part of the main body), the recess extending at least between distinct portions of the catch formation

disposed upon the main unit (as seen below, the recess formed part 8 is positioned between extending sides M that are considered to be distinct portions of the catch formation and the recess formed in section 6 is positioned between side walls N [only one shown below] on the main unit that are also considered to be distinct portions of the catch formation).

Office Action dated May 22, 2008, page 9. Applicants contend that Bach's part 7 is not part of the wand and that Bach's part 8 is not part of the main body. However, even assuming, *arguendo*, part 7 is broadly construed as part of the wand, and part 8 is broadly construed as part of the body, rather than as separate members attached thereto (as shown in FIG. 5), the wand does not lie partially within a recess provided in the main unit that extends between section 6 and part 8. Rather, the wand lies in separate "recesses" localized at part 8 (between side walls M) and at section 6 (between sidewalls N). Furthermore, the localized "recess" at part 8 is located outward of the housing base 4. Thus, Bach fails to teach, disclose, or otherwise make obvious a recess in the main unit that extends between a first releasable catch formation and a second releasable catch formation, and that receives at least part of the wand when connected to the main unit.

As discussed above, Bach fails to disclose all of the limitations of independent Claim 1, let alone the limitations of Claims 3-5 and 7, which depend therefrom. For at least this reason, Applicants respectfully submit that Claims 3-5 and 7 are allowable.

b. Rejection of Claim 8

Dependent claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Busalt in view of Barski. The addition of Barski, however, does not provide all of the limitations of claim 1 missing from Busalt, as discussed above. For at least this reason, Applicants respectfully submit that claim 8 is allowable.

CONCLUSION

Each of the rejections in the Office Action dated May 22, 2008 has been addressed and no new matter has been added. Applicants submit that all of pending claims 1-8 are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to

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contact the undersigned attorney if such communication would expedite the prosecution of this application.

Respectfully submitted,

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